

ZB# 95-35

Charlotte Jaroscak

65-1-24

Prelim.

June 26, 1995.

Need:

(1) Ready ✓

(2) Title Report

(3) Photos

(4) Fees: ✓ 50.00 pins
300.00 pins

Money -

Letter out - 6/29/95 9/27/95 -
Woods to Seminal

Public Hearing:

July 10, 1995

Area
Approved

Refund due: \$167.00

#95-35-Jaroscak, Charlotte

Area - 65-1-24.

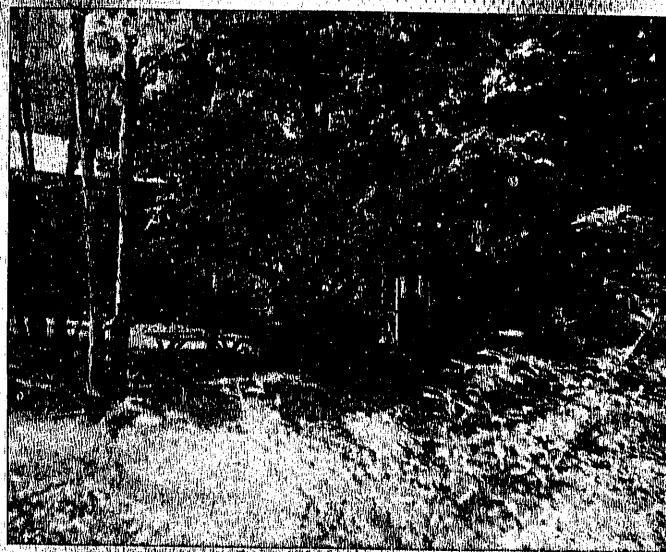
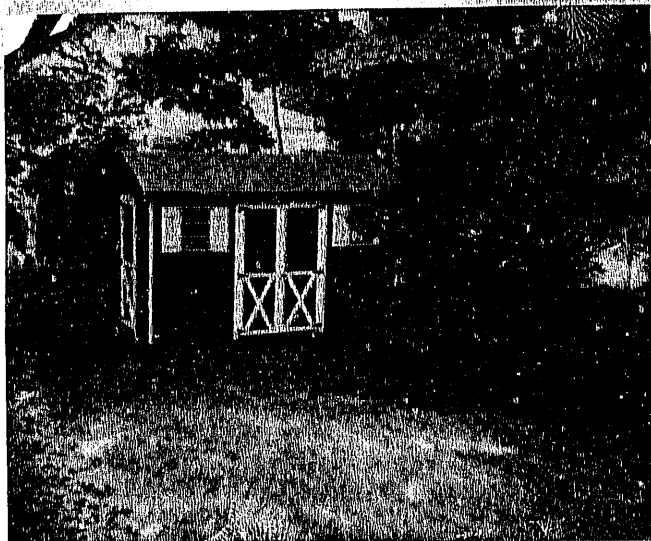
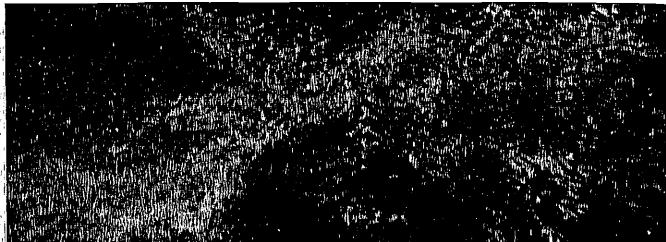


#95-35.





#95-35.



TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14713

June 29 1995

Received of Rev. Charlotte Jarosssak \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 95-35

DISTRIBUTION:

FUND	CODE	AMOUNT
Cr # 7007		50.00

By Dorothy H. Hansen

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT:

Varoscat, Charlotte

FILE #

95-35

RESIDENTIAL:

\$50.00

COMMERCIAL:

\$150.00

APPLICATION FOR VARIANCE FEE

\$ 50.00

OK.
6/29/95. paid
ck. #7007

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES

\$ 300.00

paid
ck. #7008

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE

6/26/95 - 4 pages

\$ 18.00

2ND PRELIM. MEETING - PER PAGE

7/10/95 - 10 "

\$ 45.00

3RD PRELIM. MEETING - PER PAGE

\$

PUBLIC HEARING - PER PAGE

\$

PUBLIC HEARING (CONT'D) PER PAGE

\$

TOTAL

\$ 63.00

ATTORNEY'S FEES:

PRELIM. MEETING- _____

HRS.

6/26/95

\$ 35.00

2ND PRELIM. _____

HRS.

7/10/95

\$ 35.00

3RD PRELIM. _____

HRS.

\$

PUBLIC HEARING _____

HRS.

\$

PUBLIC HEARING _____

HRS. (CONT'D)

\$

FORMAL DECISION _____

HRS.

\$

TOTAL HRS. _____

@

\$

PER HR. _____

\$

TOTAL

\$ 70.00

MISC. CHARGES:

TOTAL

\$

\$ 133.00

LESS ESCROW DEPOSIT

\$

\$ 300.00

(ADDL. CHARGES DUE)

\$

REFUND TO APPLICANT DUE

\$

\$ 167.00

(ZBA DISK#7-012192.FEE)

REV. CHARLOTTE A. JAROSCSAK
213 RILEY RD.
NEW WINDSOR, NY 12553-9802

50-693/219

7007

June 29 1995

Pay to the order of *Town of New Windsor*
Fifty & 00/100

\$ 50.00

~~DOLLARS~~



Key Bank of New York
78 Broadway
Newburgh, NY 12550
Newburgh Main Office

333

MEMO

ZBA #95-35

Charlotte Jarosch

+021906934: 331 21 244 81 7007

ANTIQUE

REV. CHARLOTTE A. JAROSCSAK
213 RILEY RD.
NEW WINDSOR, NY 12553-9802

50-693/219

7008

June 29 1995

Pay to the order of *Town of New Windsor*
Three Hundred & 00/100

\$ 300.00

~~DOLLARS~~



Key Bank of New York
78 Broadway
Newburgh, NY 12550
Newburgh Main Office

333

MEMO

Essex ZBA #95-35

Charlotte Jarosch

+021906934: 331 21 244 81 7008

ANTIQUE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-35

Date: 06/26/95

I. Applicant Information:

- (a) JAROSCAK, CHARLOTTE - 213 Riley Road, New Windsor, N.Y. 12553 x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) Paul V. Cuomo, P. E., 2005D Street, Bldg. 704, New Windsor, N.Y. 12553
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 213 Riley Road, New Windsor, N.Y. 65-1-24 100 x 175+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 12/13/65
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F. Sections 48-14A(1)(b) and 48-14A(4) of Supplemental Yard Regulations

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>15 ft.</u>	<u>6 ft. 2 in.</u>	<u>8 ft. 8 in. (carport)</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See recitation attached hereto)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Applicant is seeking relief to allow an existing carport which will require an 8 ft. 8 in. side yard variance and an existing shed which has insufficient side yard and is located closer to roadway than principal structure (residence) at 213 Riley Road in an R-4 zone. Applicant is therefore applying for the side yard variances and variances from Sections 48-14A(4) and 48-14A(1)(b) of the Supplementary Yard Regulations.

It is the feeling of the Applicant that the granting of the variances will not be detrimental to the health, safety or welfare of the neighborhood or community since the property is located in a residential neighborhood and most all residential dwellings in the neighborhood have accessory structures thereon.

The only feasible method which applicant can pursue is the variance process in view of the fact that the parcel is zoned for residential use with restrictions to the bulk and supplementary yard regulations. If Applicant was forced to dismantle the carport or move the shed to meet the requirements it would place an undue financial burden which would not be feasible or practical.

Applicant feels that the request for an 8 ft. 8 in. side yard variance for the carport is inconsequential in light of the fact that the residential parcel is quite large.

It is the feeling of the applicant that the granting of the variances from Sections 48-14A(4) and 48-14A(1)(b) of the Supplementary yard Regulations for the shed will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

The difficulties stated above are self-created. However, applicant is seeking the necessary approvals in order to conform to the bulk regulations in the R-4 zone.

P R O X Y A F F I D A V I T

SUBMISSION OF APPLICATION FOR VARIANCE # 95-35

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

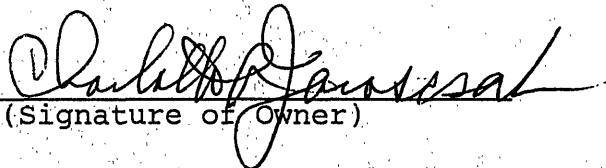
COUNTY OF ORANGE)

CHARLOTTE JAROSCAK

, deposes and says:

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 65 BLOCK 1 LOT 24. I HEREBY AUTHORIZE PAUL V. CIOMO, P.E. of CUOMO ENGINEERING (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: June 26, 1995.

x 
(Signature of Owner)

Sworn to before me this

5th day of July, 1995.


Notary Public

(ZBA DISK#1-060895.PXY)

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995.

-----X
In the Matter of the Application of

CHARLOTTE JAROSCAK

DECISION GRANTING
AREA VARIANCE#94-35.

-----X

WHEREAS, CHARLOTTE JAROSCAK, 213 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an 8 ft. 8 in. side yard variance for an existing carport and a variance from Sections 48-14A(1)(b) and 48-14A(4) at the residence located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of July, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by Paul V. Cuomo, P.E.; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or against the application and there was no opposition except for one letter which was received from a neighbor; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a one-family property located in a neighborhood of one-family homes.

(b) At carport and shed for which the variances are sought have been in place and existing for approximately 15 years.

(c) The shed is installed on a concrete slab making it difficult, if not impossible, to move it.

(d) The shed is screened from the view of the road and from that of the nearest neighbor by substantial vegetation.

(e) If the shed were to be relocated behind the house thereby obviating the need for the variances, the vegetation screening which now exists would not exist and it would be more visible by the adjacent neighbor.

(f) The existence of the shed creates no water hazard and does not interfere or interrupt the flow of ground or other

water, or cause its accumulation or ponding.

(g) The carport is screened from the adjacent neighbors by considerable vegetation.

(h) The carport as it exists is a substantial distance from the neighbor's property line.

(i) The shed as it exists is approximately 38 ft. from the roadway.

(j) There are sheds similar to this one in the neighborhood.

(k) A letter was received from neighbors opposing the application and it was considered by the Board in making its decisions. The letter expressed opposition but contained no specifics and it is noted that the carport is screened from the view of the occupants from this neighboring property.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. Some of the requested variances are substantial but are nevertheless warranted because of the unique nature of the property and the screening of the carport and shed from the view of neighbors and the roadway.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. With respect to the carport, the decision of the Board is based on its existing open appearance and construction. If the structure were enclosed, then it would have an adverse impact and a variance for it would not be warranted.

5. The difficulty the applicant faces in conforming to the bulk regulation is self-created but should be granted because granting them will enhance the value of the property and also the value of other properties in the neighborhood.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. If the carport were enclosed, the structure would not outweigh such detriment and would not preserve and protect the character of the neighborhood and a variance for it would not be warranted.

7. It is the further finding of this Board that the

requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. (See the last sentence of paragraph 6 above).

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. 8 in. side yard variance for existing carport and variances from Sections 48-14A(1)(b) and 48-14A(4) for existing shed at 213 Riley Road in an R-4 zone. With respect to the variance granted for the carport, this variance was granted on the condition that this remain an open structure and is not enclosed. All of the variances granted herein were sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 11, 1995.


Chairman

(ZBA DISK#13-081795.CJ)

Date 8/3/93 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francis Roth 147 Sycamore Dr DR.
New Windsor NY 12553

[illegible]

PUBLIC HEARING:

JAROSCAK, CHARLOTTE

MR. NUGENT: Request for 8 ft. 8 in. side yard variance for existing carport and a variance from Sections 48-14A(1)(b) and 48-14A(4) for existing shed at 213 Riley Road in an R-4 zone.

Paul V. Cuomo, P.E. appeared before the board for this proposal.

MR. NUGENT: Let the record reflect no one is here in the audience for this application. Go ahead.

MR. CUOMO: The public hearing tonight is based on the fact that Mrs. Jaroscak would like to get a variance for a carport and I brought some pictures of the carport that is too close to the line and a shed that is too close to the line. There's factors here that the carport I have a picture of a carport which you gentlemen asked to see. The carport in this picture, one of the reasons it is a drainage, it prevents drainage from spilling into the house. It's been part of a structure for about 15 years now and it's sort of an integral part of the house to prevent the house from flooding besides being a carport. I have another picture here. I have the shed and I think it was brought up last time what was the mitigating factors here, well, the shed is lined up with the house next door. I don't know if you can see that, it's within the framework of the zoning law as far as being set back but this house, the house of Charlotte Jaroscak is set way back and this shed lines up with the house next door. Also, there's a foliage situation where you can hardly see the shed, it's quite--do you want to take a look at this? I think you raised a question.

MR. TORLEY: Yeah.

MR. CUOMO: I don't know whether it's that much foliage in the winter but in the summer, it's pretty covered up. I think last time you saw the survey and the survey shows where everything is, you can see where the shed is and you can see where the carport and how

close the carport is to the side yard. The basis of all of this is to get a satisfactory C.O. for Mrs. Jaroscak, she has these two problems. She also has a rear porch that required some carpentry work which she did at my request in order to bring the house up to code. And these two variances would bring it up to code finally and she could sell it, do whatever she wants with it.

MR. KANE: Michael, any type of carport on the side of this house would essentially need some type of variance?

MR. BABCOCK: Well, it's 6.2 feet from the property line. I'm not sure what size it is. But the requirements are 15 feet. We just have down existing, I don't have a size of the carport. What I understood from Paul is that it's a one car carport.

MR. CUOMO: Yes, it's one car, it's the width of the house.

MR. KANE: We saw in the picture.

MR. NUGENT: It's big, it's long.

MR. BABCOCK: It appears to be big for, big enough for two cars.

MR. CUOMO: But it's not--

MR. BABCOCK: But the driveway only allows a one car parking spot unless the pictures shows different.

MR. CUOMO: No, you only can have one car in there.

MR. KANE: Part of the other use of that is a safety feature to bring the water away from the house.

MR. CUOMO: right.

MR. KANE: And would financially not be prudent to do it in any other fashion to take this down and do it in any other fashion?

July 10, 1995

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MR. CUOMO: No, that would be a hardship on her. She would have to--

MR. KRIEGER: I understand that it is been there for 15 years you said?

MR. CUOMO: Yes.

MR. KRIEGER: How long has the shed been there?

MR. CUOMO: Same amount of time, oh, I would say a little shorter time maybe instead of 15 years, maybe is 12 years, something like that.

MR. KRIEGER: Mike, did the applicant obtain a building permit for either one of them?

MR. BABCOCK: Not to my knowledge, no.

MR. CUOMO: No.

MR. NUGENT: Did you go over the idea of moving the shed with the applicant?

MR. CUOMO: Yes but it seems to be quite a problem because of the weight, it's on a slab.

MR. NUGENT: It's on a slab?

MR. CUOMO: Yes.

MR. KRIEGER: How far off is the shed?

MR. BABCOCK: Well, it can't project closer to the street than the principal building. The principal building is 64 feet off the property line and the shed is 38, so it would have to be moved back.

MR. KANE: It's in the front yard.

MR. BABCOCK: And it's also too close to the side yard.

MR. KRIEGER: How close is too close?

MR. BABCOCK: It's 1.5 feet away from it, it's supposed

July 10, 1995

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to be 10 foot.

MR. KRIEGER: Is it screened or landscaped in any way?

MR. BABCOCK: I heard everybody talking that it was, I didn't see the picture myself. Show the attorney the picture of the shed. Appears to be screened by a camping trailer to me.

MR. KRIEGER: No, I see in looking at the picture that there's vegetation.

MR. CUOMO: Oh yeah, there's a lot of vegetation.

MR. KRIEGER: Which at the very least would screen it from view of the road.

MR. TORLEY: Is it impractical to locate it someplace else on the property?

MR. CUOMO: Yeah, it wouldn't be practical. She doesn't have that much. It would have to be quite a big move and there's a lot of foliage back there. She'd have to do a lot of digging to get that thing back.

MR. BABCOCK: Didn't Mrs. Jaroscak talk to her neighbors also?

MR. CUOMO: Yes, well, the people to the, on the shed side have no objection to the shed. The other people on the carport didn't say yes and they didn't say no.

MR. NUGENT: Beg to differ with you. They wrote a letter which I'll read into the record.

MR. CUOMO: I don't have the letter.

MS. BARNHART: For the record, I have her affidavit of service by mail that was made out by myself which states that I sent out 11 addressed envelopes containing the notice of public hearing on June 27, 1995 in compliance.

MR. NUGENT: I'd like to read into the record a letter

sent to the building inspector. We have been asked to sign a paper by Charlotte Jaroscak accepting her carport as is, which is too close to our property line. I explained to her she's moving away and we're left with all the problems that could be caused in the future with new neighbors. I feel the Town of New Windsor building inspector has always been there for us so he was consulted on this matter. We request the town records show that we're opposed to this variance and a copy of this meeting will be sent to us for future reference that we will never agree to this when we decide to sell our home. Thank you for your attention, Walter Hiadon and Margaret Hiadon, 209 Riley Road.

MR. LANGANKE: How far away from the property line is the Hiadon household from the carport?

MR. CUOMO: I couldn't hear the exact figure.

MR. BABCOCK: Do any of them show in the pictures?

MR. CUOMO: No, I don't think so. Let me look at the survey again.

MR. BABCOCK: It's not on there, Paul.

MR. KANE: Michael, is there any water hazards in there where that shed leads that water away from the house and drops it off towards the property line, is there any type of buildup of water in that area?

MR. BABCOCK: I haven't been out at this house myself.

MR. CUOMO: No, I didn't notice. The Hiadon property though I would estimate is about the same, it's about the middle of the lot, so that would put it about the same distance, about 30 feet from the property line, I would estimate.

MR. LANGANKE: Can I see those pictures again?

MR. CUOMO: That is a conservative estimate. That is a good question.

MR. KRIEGER: It appears the carport is screened from the neighbors by vegetation.

MR. CUOMO: There's a lot of shrubbery by the carport, you can't see the line at all.

MR. LANGANKE: So if we're 40 feet away the carport from another house, it's not as if we were ten feet away.

MR. KANE: Michael, this carport has been up for approximately 15 years, has there been any complaints on record regarding this property whatsoever?

MR. BABCOCK: No.

MR. REIS: Is there any part of the letter that indicates what problems exist because of it?

MR. NUGENT: No, just that they are opposed.

MR. TORLEY: I think their opposition was not against the present inhabitant but they are worried about what the next person in would do.

MR. LANGANKE: I think we also decided last time that one of the reasons that we don't have an out building project closer than the main building is for aesthetics, for appearances. Yet this shed is like 38 feet back from the road. There's all kinds of shrubbery between the road and the shed. I don't think the, I think the shed is back far enough so that it's not a problem.

MR. TORLEY: Paul, has this house had a contract, been contracted for sale?

MR. CUOMO: I don't know but I think there is and eminent sale but I don't think it's under contract though.

MR. KANE: Is there a number of other homes that make use of carports rather than garages?

MR. CUOMO: I don't remember any. There could be

though.

MR. KRIEGER: There are similar sheds in the neighborhood?

MR. CUOMO: Yeah, I would say that there are similar.

MR. KRIEGER: Where the shed is located, does it cause or exacerbate any drainage problems in any way?

MR. CUOMO: Yes, it does, it stops the water.

MR. KRIEGER: The shed?

MR. CUOMO: No, I'm sorry, the shed doesn't.

MR. KRIEGER: Also, no ground water running through there, no water course.

MR. CUOMO: No, only the surface water, natural surface water, there's no stream or anything or any channelization.

MR. KRIEGER: Okay.

MR. NUGENT: I'd like to ask the board how they want to address this? It's really a two part variance, one for the carport, one for the shed. I asked our attorney and he said we can do it either way, either do it as one or two.

MR. KANE: Is there a way to take care of the carport for the term and if that is to be changed in the future, that that variance would no longer exist at that point?

MR. KRIEGER: No, you can only limit it, you can limit it in time, that is appropriate. But you must specify the time. You can't identify the time by some artificial or imprecise means because otherwise, that would lead to excessive argument. When is the life of the carport over? Reasonable opinions could differ on that subject.

MR. TORLEY: Andy, if I am understanding your point

we're really concerned that in the future something else not be built there on that same structure. So anything that if we grant the variance, we're granting the variance for the footprint of the structure, so if someone could come back in and as long as they stay in the footprint, can put up a two story addition?

MR. BABCOCK: That is correct.

MR. TORLEY: Now that is something that we would not want. Is there a way we can phrase our variance if it were granted in such away as to prevent that?

MR. KRIEGER: Well, you can indicate that the variance is granted for a carport, you simply should be aware that if such variance is tested at some point in the future in a court, a court may not adhere to that restriction with the same degree of specificity as that which you meant when you put it in.

MR. TORLEY: If it was referred to not as a carport but as an open porch which you can make so as not an enclosed structure.

MR. KRIEGER: Any specificity that you put in there is beneficial, that is certainly beneficial, what I said with respect to guarantees, however, holds no water no matter how you phrase it.

MR. LANGANKE: I think it's a carport, not a porch.

MR. TORLEY: The point is--

MR. KRIEGER: Specifying that it is open, it is not enclosed, so forth, would be helpful and it would stand unless overturned by a court and not, I'm not indicating to you I'm going to guarantee it with respect to if that was, whether it would emerge from a court challenge the same way that it went in but short of that, it is what it is.

MR. BABCOCK: It's also hard to track, you know, any special conditions that you put on a piece of property like that. It's going to be tough to track throughout the years.

MR. TORLEY: It goes in the file now somebody in ten years comes back and says I want a building permit to put on a two story addition and you check the file and there's a variance for a carport.

MR. BABCOCK: Hopefully. We don't normally read through the variance section every time we issue a permit, you know, if somebody came back and wanted to enclose that, I wouldn't even look, I would say it's fine, it's got a variance to be there, they want to enclose it, they want to put a second floor on to it or whatever.

MR. KANE: Paul, on the side of the house you're saying there is approximately 30 feet to the property line?

MR. LANGANKE: Yes, that is what he said.

MR. CUOMO: I would say like the center line of the house.

MR. KANE: And you need about 12 foot, what's the side yard variance?

MR. BABCOCK: Fifteen.

MR. KANE: If somebody was to build a garage there if they went over anything 15 foot wide they'd need a variance in any case.

MR. CUOMO: I meant the center line of the house and house is 30 feet wide. So that would leave us 15 and the house is probably say conservative 15 feet away from that line, it has a normal side yard, it's not 30 feet away though.

MR. NUGENT: I hear a lot of concern by the board members and I'd like to know, you didn't answer my question, whether you'd like to do it in one or two parts.

MR. LANGANKE: I think we should do it in two parts.

MR. KANE: I agree.

MR. LANGANKE: Did we have a public hearing?

MR. NUGENT: There's no public. Is there anyone in the public that wants to speak on this? Hearing none, we'll do the carport first, that is the way it's written. Can I hear a motion?

MR. LANGANKE: I make a motion that we grant the request for an eight foot eight inch side yard variance for the existing carport for Charlotte Jaroscak.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: I move that we grant the requested variances for the shed at 213 Riley Road.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	NO

MR. TORLEY: I would in regard to the first variance request, I would ask our attorney to see how we can phrase it and capture what I think is the spirit of our discussion.

MR. KRIEGER: Your request is noted.

Page 1
of 2
Prelim.
June 26, 1995
95-35

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 21, 1995

APPLICANT: CHARLOTTE JAROSCAK
213 RILEY ROAD
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 20, 1995

FOR (BUILDING PERMIT): ~~CARPORT~~ (Existing)

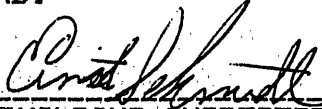
LOCATED AT: 213 RILEY ROAD

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 65, BLOCK: 1, LOT: 24
ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. CARPORT IS LOCATED IN REQUIRED SIDE YARD.


BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR AVAILABLE

VARIANCE REQUEST

ZONE: R4 USE

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD 15FT.

6FT. 2 IN.

8FT. 8IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

RECEIVED JUN 20 1995

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Charlotte JAROSAK
Address 213 Riley Rd Phone 564-1859 work# 778-5410
Name of ~~Architect~~ Engineer Paul V Cuomo, P.E.
Address 2005 D Str Bldg 704 Phone 567-9145
Stewart Int'l Hiept, New Windsor, NY, 12553
Name of Contractor _____
Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder.....

If applicant is a corporation, signature of duly authorized officer.....

(Name and title of corporate officer)

1. On what street is property located? On the West side of Riley Rd
(N.S.E. or W.)
and..... feet from the intersection of.....
2. Zone or use district in which premises are situated R 4 Is property a flood zone? Yes..... No X
3. Tax Map description of property: Section 6.5 Block 1 Lot 24
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Residential b. Intended use and occupancy Residential
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other Garport
6. Size of lot: Front Rear See Attached Survey Front Yard See Attached Survey Rear Yard..... Side Yard.....
Is this a corner lot? N/A
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... N/A Number of dwelling units on each floor..... N/A
Number of bedrooms..... N/A Baths..... N/A Toilets..... N/A
Heating Plant: Gas..... N/A Oil..... N/A Electric/Hot Air..... N/A Hot Water..... N/A
If Garage, number of cars..... Garport - 2 cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use..... N/A
10. Estimated cost..... \$3000 Fee.....
(to be paid on this application)
11. School District..... Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

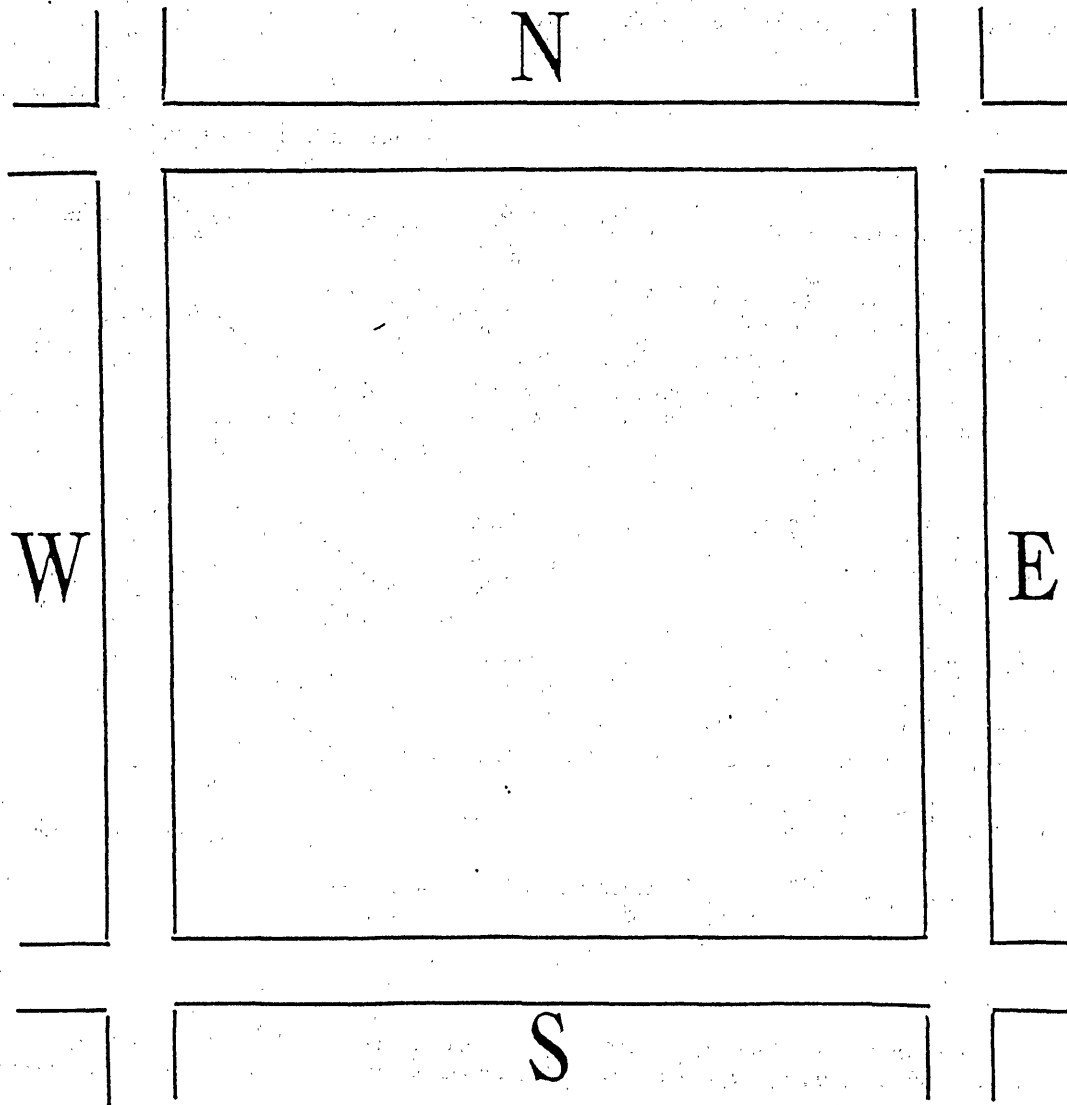
.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



RECEIVED JUN 2 0 1965

CUOMO ENGINEERING
STEWART INTERNATIONAL AIRPORT
2005 D STREET, BUILDING NO. 704
NEW WINDSOR, NEW YORK 12553
PHONE NUMBER 914-567-0063

JUNE 8, 1995

TOWN OF NEW WINDSOR BUILDING DEPARTMENT
MICHAEL BABCOCK, BUILDING INSPECTOR
555 Union Avenue
New Windsor, New York 12553

SUBJECT: CHARLOTTE JAROSCAK
213 Riley Road

JOB NO.: 95179

Dear Mr. Babcock,

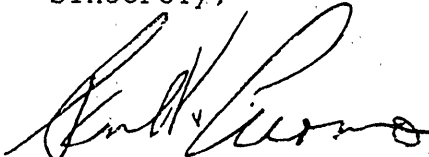
This letter is to certify that after inspection, the above residence satisfies the New York State Building Code requirements except for the necessity of two area variances.

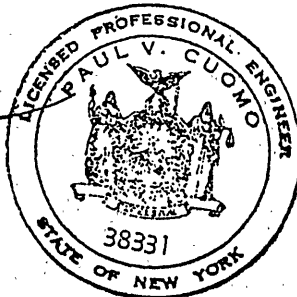
They are as follows:

1. Car port needs side yard variance.
2. Shed in front yard is too close to line.
(see attached survey)

If you have any questions or comments, please do not hesitate to call our office.

Sincerely,


PAUL V. CUOMO, P.E.
CONSULTING ENGINEER



RECEIVED JUN 09 1995

Box 209
209 Riley Road
New Windsor, New York 12553

June 8, 1995

TO: Building Inspector
Town of New Windsor

We have been asked to sign a paper by Charolette Jaraskski, accepting her carport as is, which is to close to our property line.

I explained to her she is moving away and we are left with all the problems this could cause in the future with new neighbors.

I feel the town of New Windsor Building Inspector has always been there for us (New Windsor residents), so if he was consulted on this matter there wouldn't be a problem now.

We request the town records show we are opposed to this variance and a copy of this meeting be sent to us for future reference that we never agreed to this, for when we decide to sell our home.

Thank you for your attention in this matter.

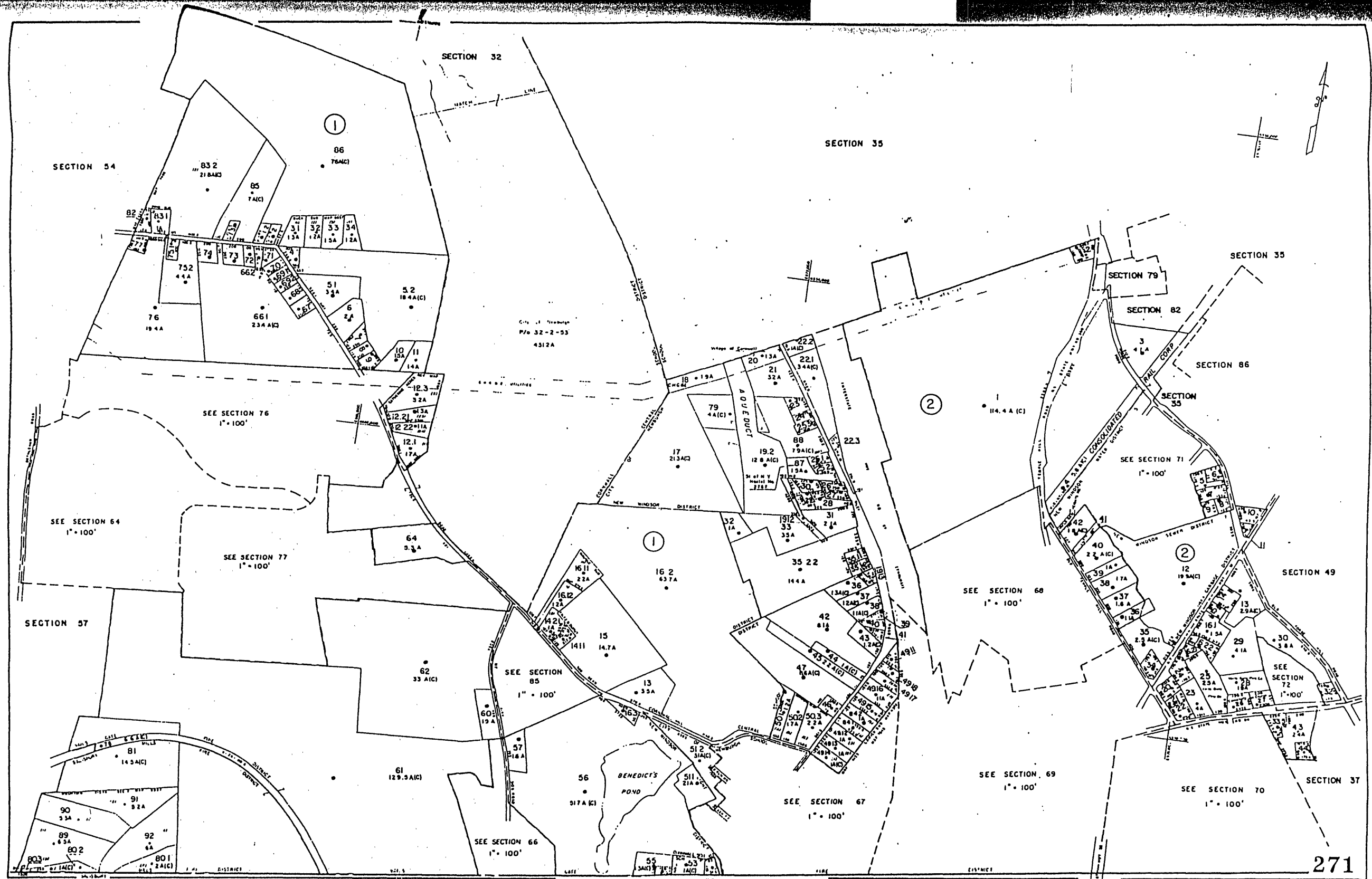
Sincerely,

WALTER W. HEDDEN

Walter W. Hedden

MARGARET M. HEDDEN

Margaret M. Hedden



AERO SERVICE
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

STATE OR COUNTY LINE	TOWN OR VILLAGE LINE	SECTION LINE	PARCEL LINE	ADJ. PAR. NO.	ADJ. PAR. NO.
STATE OF NEW YORK	TOWN OF NEW WINDSOR	SECTION 65	PARCEL 1	ADJ. PAR. NO. 1	ADJ. PAR. NO. 1
			PARCEL 2	ADJ. PAR. NO. 2	ADJ. PAR. NO. 2
			PARCEL 3	ADJ. PAR. NO. 3	ADJ. PAR. NO. 3
			PARCEL 4	ADJ. PAR. NO. 4	ADJ. PAR. NO. 4
			PARCEL 5	ADJ. PAR. NO. 5	ADJ. PAR. NO. 5
			PARCEL 6	ADJ. PAR. NO. 6	ADJ. PAR. NO. 6
			PARCEL 7	ADJ. PAR. NO. 7	ADJ. PAR. NO. 7
			PARCEL 8	ADJ. PAR. NO. 8	ADJ. PAR. NO. 8
			PARCEL 9	ADJ. PAR. NO. 9	ADJ. PAR. NO. 9
			PARCEL 10	ADJ. PAR. NO. 10	ADJ. PAR. NO. 10

ORANGE COUNTY-NEW YORK

Photo No. 12-16, 1-349
Date of Photo: 1-1-53
Date of Map: 7-25-57
Date of Revision: 5-1-61
Scale: 1" = 100'

TOWN OF NEW WINDSOR
Section No. 65

Page 2

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 21, 1995

APPLICANT: CHARLOTTE JAROSCAK
213 RILEY ROAD
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 20, 1995

FOR (BUILDING PERMIT): ~~EXISTING SHED~~

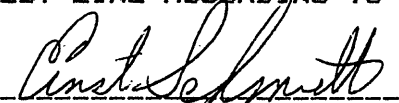
LOCATED AT: 213 RILEY ROAD

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 65, BLOCK: 1, LOT: 24
ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. SHED CAN NOT BE BETWEEN THE PRINCIPLE BUILDING AND THE STREET
ACCORDING TO 48-14 A(4).
2. SHED MUST BE SET BACK 10FEET FROM ANY LOT LINE ACCORDING TO 48-14
A(1)(b).


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
--------------	--------------------------	---------------------

ZONE: R4 USE 48-14 A(4) & 48-14 A(1)(b)

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

RECEIVED JUN 20 1995

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises.....

Address.....

Name of Architect.....

Address.....

Name of Engineer.....

Charlotte Jaroschak

213

Riley Rd

Phone

564-1859

work # 778-5410

Engineer

Paul V. Cuomo, P.E.

2005 D Str Bldg

Phone

704

567-1945

Stewart Int'l Airport

Address New Windsor, N.Y. Phone 12553

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the West side of Riley Rd
(N.S.E.or W.)
- andfeet from the intersection of
2. Zone or use district in which premises are situated R 4 Is property a flood zone? Yes.....No ☒
3. Tax Map description of property: Section 65 Block 1 Lot 24
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other Shed
6. Size of lot: Front see attached survey Rear see attached survey Side Yard.....
Is this a corner lot? N/A
7. Dimensions of entire new construction: Front see attached survey Depth see attached survey Height..... Number of stories.....
8. If dwelling, number of dwelling units N/A Number of dwelling units on each floor N/A
Number of bedrooms N/A Baths N/A Toilets N/A
Heating Plant: Gas N/A Oil N/A Electric/Hot Air N/A Hot Water N/A
If Garage, number of cars N/A
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A
10. Estimated cost: \$1500 Fee.....
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer —
 Planning Board.....
 Highway.....
 Sewer
 Water
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
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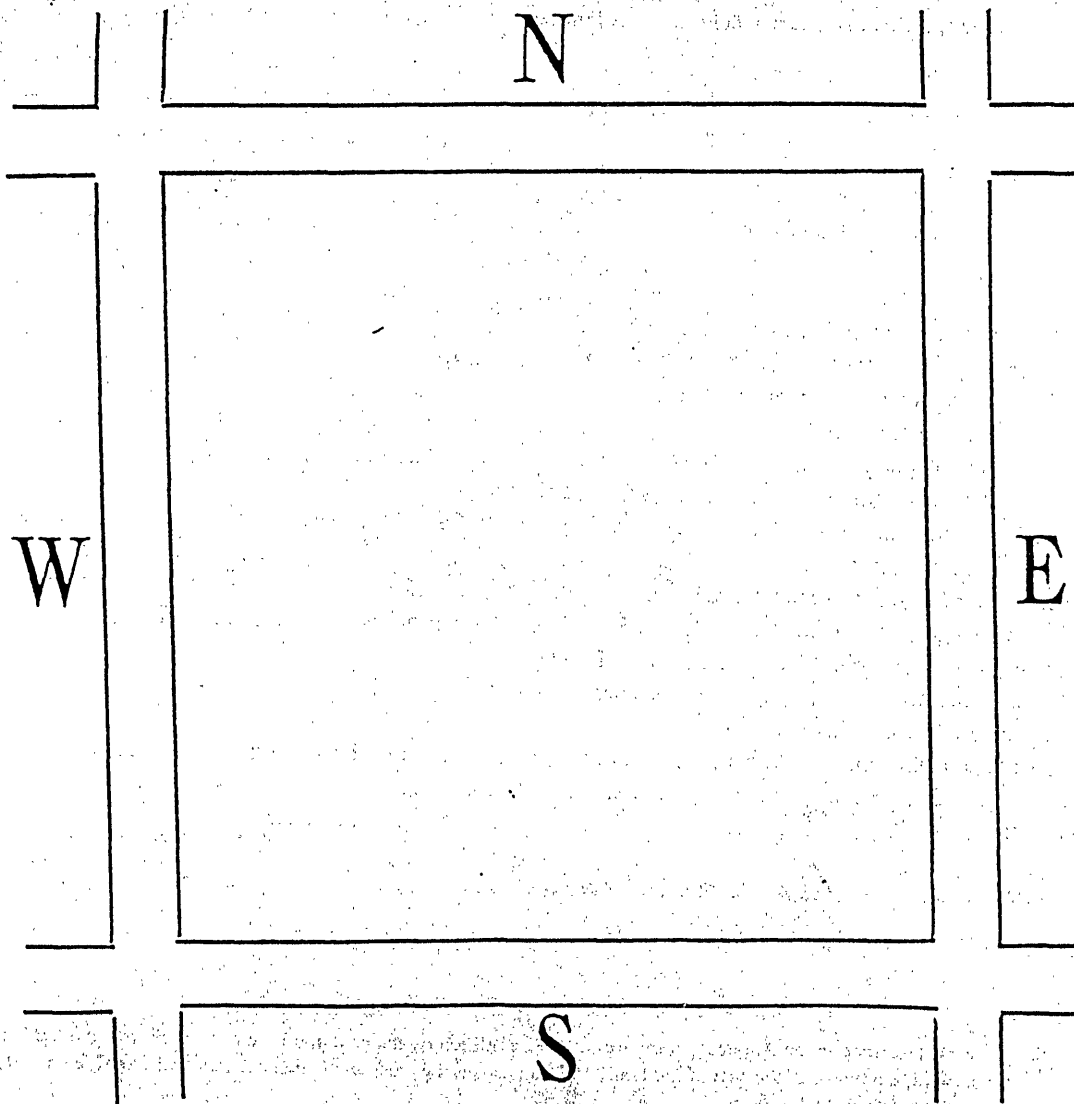
.....
 (Signature of Applicant)

.....
 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



RECEIVED JUN 09 1995

Box 209
209 Riley Road
New Windsor, New York 12553

June 8, 1995

TO: Building Inspector
Town of New Windsor

We have been asked to sign a paper by Charolette Jaraskski, accepting her carport as is, which is to close to our property line.

I explained to her she is moving away and we are left with all the problems this could cause in the future with new neighbors.

I feel the town of New Windsor Building Inspector has always been there for us (New Windsor residents), so if he was consulted on this matter there wouldn't be a problem now.

We request the town records show we are opposed to this variance and a copy of this meeting be sent to us for future reference that we never agreed to this, for when we decide to sell our home.

Thank you for your attention in this matter.

Sincerely,

WALTER W. HEDDEN

Walter W Hedden

MARGARET M. HEDDEN

Margaret M Hedden

CUOMO ENGINEERING
STEWART INTERNATIONAL AIRPORT
2005 D STREET, BUILDING NO. 704
NEW WINDSOR, NEW YORK 12553
PHONE NUMBER 914-567-0063

JUNE 8, 1995

TOWN OF NEW WINDSOR BUILDING DEPARTMENT
MICHAEL BABCOCK, BUILDING INSPECTOR
555 Union Avenue
New Windsor, New York 12553

SUBJECT: CHARLOTTE JAROSCAK
213 Riley Road

JOB NO.: 95179

Dear Mr. Babcock,

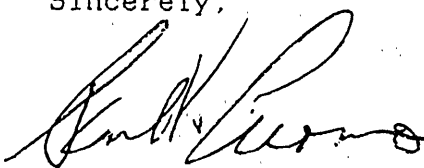
This letter is to certify that after inspection, the above residence satisfies the New York State Building Code requirements except for the necessity of two area variances.

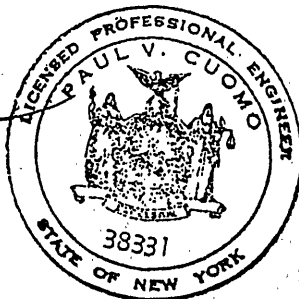
They are as follows:

1. Car port needs side yard variance.
2. Shed in front yard is too close to line.
(see attached survey)

If you have any questions or comments, please do not hesitate to call our office.

Sincerely,


PAUL V. CUOMO, P.E.
CONSULTING ENGINEER



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW .

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

UNRECORDED EASEMENTS OR RIGHT OF WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE ARE NOT SHOWN.

BEING:

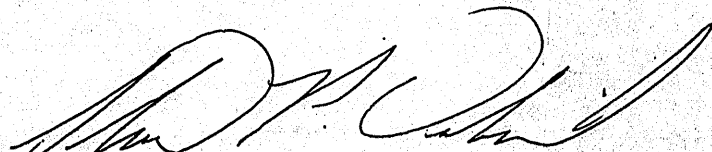
LOT 24, BLOCK 1, SECTION 65 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

**AREA = 0.4017 ACRE
OR 17,500 SQ. FT.**

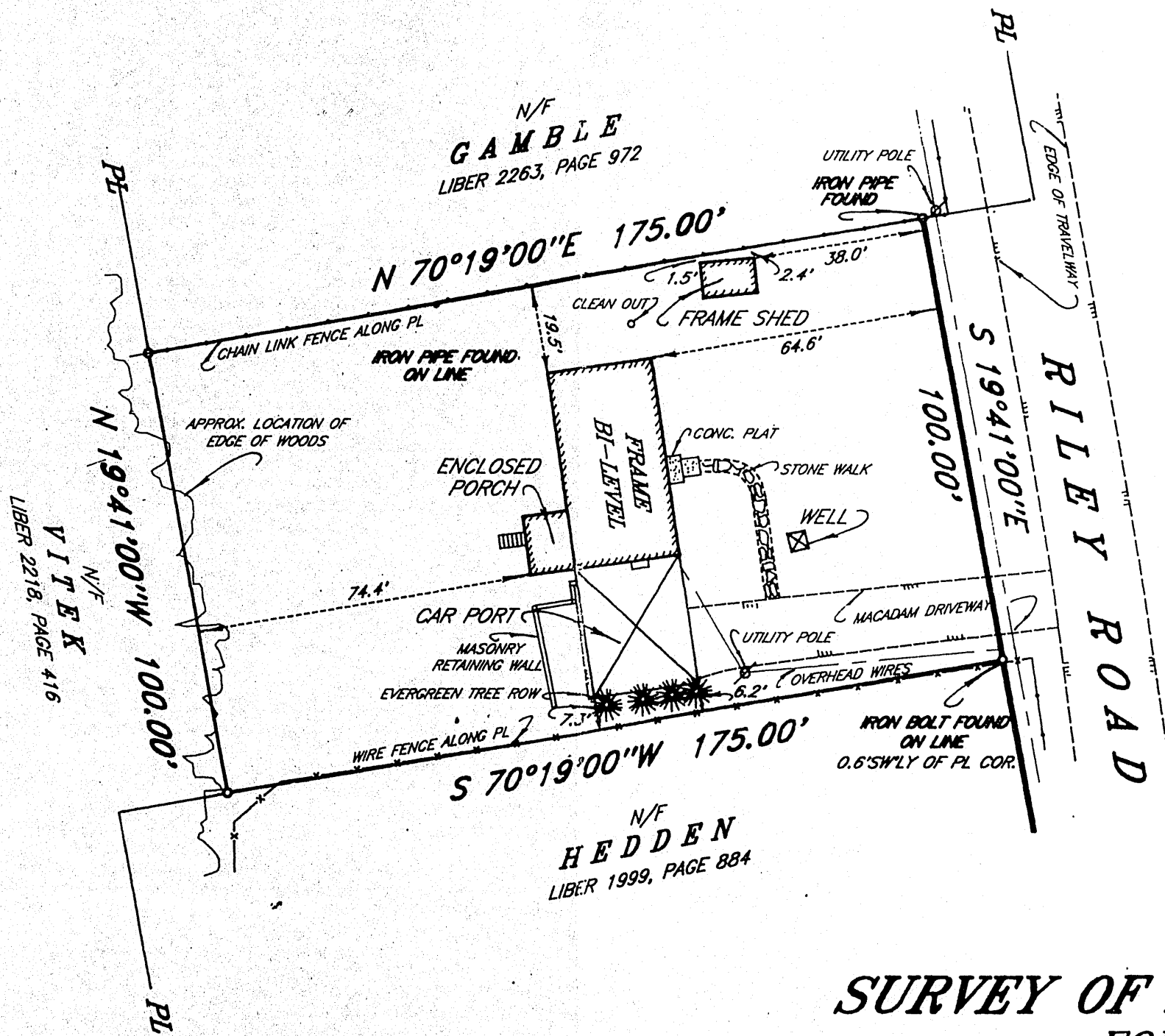
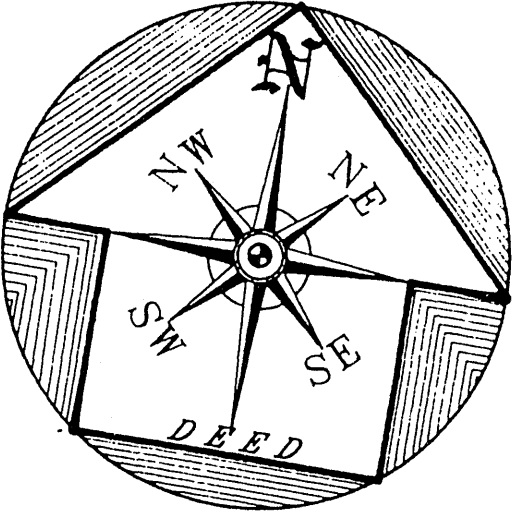
I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 5/25/95 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

- * CHARLOTTE JAROSCSAK,
- * TOWN OF NEW WINDSOR


STEVEN P. DRABICK, PLS NY LIC. #49806

STEVEN P. DRABICK P.L.S., PC
PROFESSIONAL LAND SURVEYOR
PO BOX 539, CONTINENTAL RD.
CORNWALL, N.Y. 12518
(914)-534-8808



**SURVEY OF PROPERTY
FOR
CHARLOTTE JAROSCSAK**

TOWN OF NEW WINDSOR
SCALE 1"= 30'

ORANGE COUNTY, NEW YORK
MAY 30, 1995

Date 6/28/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
6/1/95		Zoning Board Meeting	75 00	
		Misc. - 3		
		Dayton - 5		
		Dubetsky - 8		
		Roberts - 4		
		MCB - 7		
		Brown - 4		
		Garosca - 4 18.00		
		Rhodes - 14		
		Trifilo - 3		
		Francan - 10		
		Brisman - 5	337 50	
		ELTS - 8	412 50	
		<u>75.00</u>		

JAROSCAK, CHARLOTTE

MR. NUGENT: Request for 8 ft. 8 in. side yard variance for existing carport and a variance from Sections 48-14A(1)(b) and 48-14A(4) for existing shed at 213 Riley Road in an R-4 zone.

Mr. Paul Cuomo of Cuomo Engineering appeared before the board for this proposal.

MR. CUOMO: Good evening, I'm representing Charlotte Jaroscak tonight. I have a survey. This is a situation where we have a, where we have a carport that has been built and a shed that has been built. Mrs. Jaroscak wants to sell her home and apparently, all this stuff, all this construction was done without a building permit so we're trying to straighten everything out here and the first step is to try and get a variance for the carport and shed. The shed is definitely in the front yard of her front yard, however, it lines up with the front yard of this shed here lines up with the front yard of the neighbor and I'll bring that out, I'll photograph that. I can get photographs of that. I think the setback, Mike, isn't the setback 30 feet?

MR. BABCOCK: 35 feet.

MR. CUOMO: We have 38 but technically she's in the front yard with that shed but--

MR. BABCOCK: Well, the way the law states it cannot project closer to the street than what principal building front. There are certain rules that say it cannot be in any required yard. If that was the case, the required yard is 35, she wouldn't need a variance for that. But it's not, it's closer to the street than the house and then it's closer to the property line than ten feet.

MR. TORLEY: What kind of shed is it?

MR. CUOMO: It's a, one of these pre-built sheds that come on a truck, you know.

MR. NUGENT: Wooden or metal?

MR. CUOMO: Wooden, sitting on concrete slab.

MR. LANGANKE: What's the dimensions of it?

MR. CUOMO: Oh, I have to scale it.

MR. LANGANKE: Approximately?

MR. CUOMO: I don't know, it's about 8 by 8, pretty big shed. It's pretty heavy. I wouldn't want to try to lift it but that is the story with the shed. I can go down and get some photographs of it so you know what it looks like and see how it sets up with the rest of the neighborhood and then the carport is a large carport and that is sitting adjacent to the property line, I think there's only six or seven feet you can see it from the survey.

MR. TORLEY: What's the required side yard out there?

MR. BABCOCK: For a shed ten feet, law says no closer than ten feet to any property line.

MR. TORLEY: And the carport same thing?

MR. BABCOCK: No, carport's attached to the house so it's a 15 foot requirement, accessory structure is ten feet.

MR. CUOMO: Yeah, that is attached to the house, structure is actually it's sound and everything, I checked it out it's structurally sound.

MR. TORLEY: It's got a walk to get to the back yard?

MR. CUOMO: You can walk through the carport, you can walk right through. It is, it's quite large, she's left room here, I mean there's only room for one car. The rest of this is all open, you can walk right through.

MR. REIS: Paul, do you know how long the shed has been there?

MR. CUOMO: I would say half the life of the house, I would say about 10 years, 15 years, something like that, somewhere in that range. I can find out exactly.

MR. TORLEY: It was put up after zoning?

MR. CUOMO: Yes, the house was put up before zoning on Riley Road but the shed and carport was after zoning. The woman is a widow, her husband passed away about ten years ago.

MR. LANGANKE: In front of the shed is there any shrubbery or is that just lawn?

MR. CUOMO: Yes, that is a good question. The question is is there any shrubbery, yes, this is well shrubbed, it's not an open lawn at all.

MR. LANGANKE: So you really don't, with 38 feet there, you really don't see the shed from the road?

MR. CUOMO: No, no, you don't.

MR. TORLEY: Get some pictures.

MR. CUOMO: I'll get you pictures on that to substantiate that and then you can make a judgment on that. That is one of the things I noticed, that there's a concealment factor here as far as sticking out in the front yard.

MR. KANE: I think we have all we need at this time. I move that we set up Miss Charlotte Jaroscak for a public hearing for her requested variances at 213 Riley Road.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

June 26, 1995

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MR. REIS

AYE

MR. KRIEGER: Paul, I'm sure you're well aware of the criteria but I'm just going to give you the sheet anyway and so if you would bring, if you are going to present this at a public hearing, be sure we have a proxy on file and if you would bring the deed and title policy with you so I can look at them again, I don't need to keep them.

MS. BARNHART: Also photographs.

MR. CUOMO: I'll bring you some photographs, thank you very much.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Charlotte Jarosca

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-35.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 27, 1995, I compared the 11 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
27th day of June, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately! Send bill to applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 35

Request of CHARLOTTE JAROSCAK

for a VARIANCE of the Zoning Local Law to permit:

existing carport and shed with less than the allowable side yard, and
variances to allow existing shed to be closer to the road than
principal structure;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col F.,
Sections 48-14A(1)(b) and 48-14A(4) of the Supplemental Yard Regs.,

for property situated as follows:

213 Riley Road, New Windsor, N. Y.

known as tax lot Section 65 Block 1 Lot 24.

SAID HEARING will take place on the 10th day of July,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia A. Barnhart, Secy.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Deed.

VICTOR R. VITEK and
BEATRICE M. VITEK

TO

CHARLOTTE JAROSCSAK

Dated, May

1965

Orange County Clerk's Office, S.S.

Recorded on the 13th day
of Dec 1965 at 11:43
o'clock A. M. in Liber 1732
Deeds at page 173
and Examined.

J.E. Bottsack Clerk

A. MAHARAY, EWING & MCCANN

ATTORNEYS AND COUNSELLORS AT LAW

381 BROADWAY

NEWBURGH, NEW YORK 12550

TLC

LIBER 1732 pg 447

This Indenture,

Made the ¹⁵
hundred and sixty-five day of May, nineteen

Between VICTOR R. VITEK and BEATRICE M. VITEK, his wife, both
residing at (no number) Riley Road, Town of New Windsor, Orange County,
New York,

parties of the first part, and

CHARLOTTE JAROSCSAK,
residing at (no number) Riley Road, Town of New Windsor, Orange
County, New York,

part y of the second part:

Witnesseth, that the parties of the first part, in consideration of - - - - -
TEN and NO/100 (\$10.00) - - - - - Dollars,
lawful money of the United States, and other good and valuable considerations
paid by the party of the second part,
do hereby grant and release unto the party of the second part,
her heirs and assigns forever,

x2
all that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, Orange County, New York, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Riley Road marked by a pipe in the southeasterly corner of lands of Barton and running thence along the line of lands of Barton South 70° 19' West 175.0 feet to a point marked by an iron pipe; thence South 19° 41' East 100.0 feet to a point marked by an iron pipe; thence North 70° 19' East 175.0 feet to an iron pipe in the westerly side of Riley Road; thence along the westerly side of Riley Road North 19° 41' West 100.0 feet to the point or place of beginning.

a portion of
BEING the same premises described in a certain deed from William L. Nicoll and Anne Camac Nicoll Wightman to Victor R. Vitex and Beatrice M. Vitex dated July 26, 1950 and recorded in the Orange County Clerk's office on August 13, 1957, in Liber 1204 of Deeds at page 538.

Together with the appurtenances and all the estate and rights of the parties of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the party of the second part, **her heirs** and assigns forever.

And said Victor R. Vitek and Beatrice M. Vitek

covenant as follows:

First. That said Victor R. Vitek and Beatrice M. Vitek are seized of the said premises in fee simple and have good right to convey the same;

Second. That the party of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

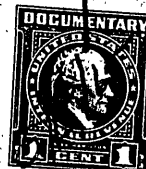
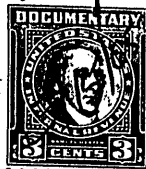
Fifth. That said Victor R. Vitek and Beatrice M. Vitek will forever warrant the title to said premises.

Sixth. The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive

such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal the day and year first above written

In the Presence of:



Victor R Vitek L.S.
Beatrice M. Vitek L.S.

State of New York,
County of Orange

ss.:

On the 15 day of May, nineteen hundred and sixty-five before me personally came Victor R. Vitek and Beatrice M. Vitek, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

ARTHUR O. MAHARAY

Notary Public, State of New York

Residence on Appointment Orange County

Commission Expires March 30, 1967

No Official Number



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(11)

June 27, 1995

PAUL V. CUOMO ENGINEERING
Stewart International Airport
2005 D Street - Building #704
New Windsor, N. Y. 12553

Attn: Paul V. Cuomo, P. E.

Re: Tax Map Parcel #65-01-24
Jaroscak, Charlotte

Dear Mr. Cuomo:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00, leaves a balance due of \$10.00.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Patricia A. Barnhart

NYC Dept. of Environmental Protection
% City of New York Bureau of Water Supply-OWSL
465 Columbus Avenue - Suite 350
Valhalla, N. Y. 10595

Distribution System of Cornwall on Hudson
P. O. Box 337
Cornwall, N. Y. 12520

Khaja Fasihuddin
9 Davenport Terrace
West Nyack, N. Y. 10994

Rose B. Kumstar
% Wendell Harp, Esq.
P. O. Box 400
New Paltz, N. Y. 12561

Robert and Patricia Gamble
R. D. 2 - Riley Road
New Windsor, N. Y. 12553

Michael and Patricia Robinson
R. D. #2, Riley Road
New Windsor, N. Y. 12553

Elizabeth A. Pilson
189 Riley Road
New Windsor, N. Y. 12553

Walter W. and Margaret M. Hedden
R. D. 2, Riley Road
New Windsor, N. Y. 12553

Paul and Phyllis Tornetta
15 Laurel Hill Road
Crugers, N. Y. 10521

State of New York
Office of Mental Retardation & Dev. Disabilities
% Maureen Lennon
Land Claims - 9th Floor
Alfred E. Smith Building
Albany, N. Y. 12236

Victor R. and Beatrice Marie Vitek
R. D. 2 - Riley Road
New Windsor, N. Y. 12553